Republic of the Philippines
OFFICE OF THE CITY PROSECUTOR
12TH Judicial Region
Iligan City

[redacted],

Complainant,

- versus -

NPS NO. _____
FOR: RAPE THROUGH SEXUAL ASSAULT UNDER ART. 266-A (PAR.2) AND VIOLATION OF R.A 7877 OTHERWISE KNOWN AS ANTI-SEXUAL HARASSMENT ACT OF 1995

TIMOTHY JAMES DIMACALI,

Respondent.

x----------/

COMPLAINT-AFFIDAVIT

(in Judicial Affidavit Form)

I, [redacted] of legal age, single, Filipino, and a resident of [redacted] after having been sworn in accordance with law do hereby state under oath as follows:

PRELIMINARY STATEMENT

"The person examining me is Atty. **ATTY. JENNY VIEVE CABRADILLA** with address at Mohon, Talisay, Cebu, Cebu City. The examination is being held at the same address. I am answering his questions fully conscious that I do so under oath and may face criminal liability for false testimony and perjury.

Q1. Can you please state your name and other personal circumstances?

A1. I am [redacted], 25 years old, Filipino, single, a news writer and editor, and residing at [redacted]

Q2. Do you know a certain Timothy James Dimacali, the respondent in this case?

A2. Yes, I know him.

Q3. Why do you know him?

A3. He was the keynote speaker as well as a panelist during the 26th Iligan National Writers Workshop (INWW) held from May 27-31, 2019 at the Mindanao State University- Iligan Institute of Technology (MSU-IIT) of which I was one of the attendees. It was my first time to meet him during that event.

Q4. Where were you on May 31, 2019 at about 10 o'clock in the evening, more or less, if you could still remember?

A4. I was at the secretariat room on the second floor of the hostel where the INWW after party was held following the culmination of the workshop.

Q5. What is the name of that hostel if you could still remember?

A5. MSU-IIT Hostel

Q6. Can you describe the interior design of the said secretariat room?

A6. It is a two (2) bedroom with a long wood table at the center filled with various food and liquor. There were also a few chairs and a mattress inside the room.

Q7. Who were with you at the said secretariat room, if any?

A7. The workshop panelists Mr. Gutierrez "Teng" Mangansakan II and Mr. Dimacali, secretariat head Hermi Dico, senior fellows Diandra-Ditma Macarambon, Genero Cruz, and Jennibeth Loro, and my co-fellows Michael "Ivanie" Florentino, Thomas Leonard Shaw, Gerald Galindez, Carl Mantua, Hannah Leceña, Kurt Comendador, Mark Acero, Gene Abrajano. The workshop director Mrs. Christine Godinez Ortega was present during the festivities as well.

Q8. What were you doing in the same room, if any?

A8. We were drinking an assortment of alcoholic drinks - Primera, Emperador, Vodka, beer, and wine, among others. I was pouring and handing over the drinks for a few of the fellows and was drinking by myself.

Q9. You said you were pouring and handing over the drinks for a few of the fellows, can you name these fellows?

A9. Mr. Teng Mangasansakan, Thomas Shaw, Gerald Galindez, Carl Mantua, Hannah Leceña, Kurt Comendador, Mark Acero, Jennibeth Loro, and Gene Abrajano.

Q10. How about the others, what were they doing in the secretariat room?

A10. They joined in the merry-making. Maam Ortega was drinking for herself. So was Mr. Dimacali. Hermi Dico, Michael Florentino, and Diandra Macarambon weren't drinking with us though they joined in the fun.

Q11. Can you describe the atmosphere inside the room, if you could still remember?

A11. We were singing and dancing around. Those who weren't dancing sat on the bed and were talking and laughing amongst themselves.

Q12. Was there an unusual incident that you noticed while you were consuming alcoholic drinks, if any?

A12. Yes. I noticed Mr. Dimacali handed me a cup with liquid contents. Feeling obliged to take the cup, I took it and emptied whatever was inside while Mr. Dimacali was pouring himself vodka and other hard drinks. After a while, I noticed that I suddenly became tired and dizzy. I then decided to lay down and rest, hence I sat down on the mattress in the room.

Q13. Can you describe where the mattress was located?

A13. The mattress was located across the door of the room.

Q14. What happened next, if any?

A14. Just barely five minutes after consuming the drinks that Mr. Dimacali handed to me, I suddenly blacked out.

Q15. What happened next after you blacked out, if any?

A15. What I remember was after I regained some consciousness, I found myself downstairs outside the doorway of a room while Mr. Dimacali was kissing me.

Q16. While Mr. Dimacali was kissing you, what did you do if any?

A16. I tried to parry him from my body since I did not like what he was doing to me, but I could not do so since I was very tired and I felt hazy and was not in control of my body.

Q17. What happened next, if any?

A17. After a few minutes of Mr. Dimacali kissing me, I blacked out again. Later on, I woke up inside a room and while starting to regain consciousness I noticed that my mouth was on Mr. Dimacali's penis.

Q18. Can you describe your position when you woke up, your mouth being on Mr. Dimacali's penis?

A18. Mr. Dimacali was lying in bed while my mouth was on Mr. Dimacali's penis and his hands were on my head.

Q19. Did you know why was your mouth being on Mr. Dimacali's penis?

A19. No, I do not. I was even startled and shocked since I did not remember allowing myself in that lewd position with him. Clearly, he took advantage of my situation.

Q20. What happened next, if any?

A20. I blacked out again.

Q21. What happened next, if any?

A21. I woke up the next day finding myself alone in my room, fully naked.

Q22. Can you describe how you feel when you woke up?

A22. I felt that something was wrong. My body was sticky.

Q23. What did you do next, if any?

A23. I talked to Hannah my roommate and asked if something happened to me.

Q24. What did Hannah say, if any?

A24. She said she doesn't know anything.

Q27. What else did you do, if any?

A27. I asked Michael Florentino if something happened to me and if he saw anything.

Q28. What did he say, if any?

A28. He said that something happened to me and he saw what happened to me.

Q29. What did he say about what happened to you and what he saw, if any?

A29. He said that something happened between me and Mr. Dimacali.

Q30. What did you feel, if any?

A30. I felt violated and sexually abused. I felt that I need to vindicate my rights and stand for what is true and get the justice that our system assured us.

Q31. Miss Witness, what do you pray before the Honorable Prosecutor.

Q31. I beseech the Honorable Prosecutor to file a criminal case for Rape through Sexual Assault under Art. 266 (a) par. 2 of the Revised Penal Code and/or violation of the Anti-Sexual Harassment Law against Mr. Timothy James Dimacali and/or such other appropriate offense/s

as warranted under the foregoing circumstances as narrated in my Complaint-Affidavit.

Q32. Why are you praying for a criminal case for Rape through Sexual Assault under Art. 266 (a) par.2 of the Revised Penal Code be filed against Mr. Timothy James Dimacali?

A32. Because Mr. Dimacali committed an act of sexual assault against me by putting his penis into my mouth while I was deprived of reason.

Q33. Why are you praying for a criminal case for violation of the Anti-Sexual Harassment Law be filed against Mr. Timothy James Dimacali?

A33. Because while in a training environment, I being a trainee and Mr. Dimacali, a trainor, the latter committed an act of sexual harassment against me by putting his penis into my mouth while I was deprived of reason resulting in an intimidating, hostile and offensive environment for me.

IN WITNESS WHEREFORE, I have hereunto affixed my signature this ___ day of _____, 2019.

[redacted]

Affiant

SUBSCRIBED AND SWORN before me this 14 day of Nov 2019 at Iligan City, Philippines, affiant **ALSTEINE JOI B. DIAPANA** personally appeared before me and exhibited to me her identification document mentioned above bearing her photograph and signature. I also hereby certify that I personally examined the affiant and that I am very satisfied that she voluntarily executed and fully understood the contents and consequences of his Judicial Affidavit.

SHIRLY R. PAPMISANA - BISNAR
Prosecutor I
OCP - Iligan City

SWORN ATTESTATION

I, **ATTY. JENNY VIEVE CABRADILLA,** of legal age, single, a resident of Mohon, Talisay City, Cebu, hereby state under oath:

I am the lawyer who conducted the examination of the witness, [redacted]; I faithfully recorded or caused to be recorded the questions we asked and the corresponding answers that

[redacted] gave; and in the course of the examination, [redacted] neither we nor any other person present or assisting [redacted] coached her regarding the answers that she will give.

I hereby execute this sworn attestation in order to attest to the truth of the foregoing facts and for whatever purpose it may serve.

IN WITNESS WHEREOF, I have hereunto affixed my signature this ___ day of _____ 2019 at _____ City, Philippines

ATTY. JENNY VIEVE CABRADILLA

SUBSCRIBED AND SWORN before me this __ day of _____ 2019 at _____, Philippines, affiant personally appeared before me and exhibited to me her identification document mentioned above bearing their photographs and signatures.

SHIRLY R. PARMISANA - BISNAR
Prosecutor I
OCP - Davao City